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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/757,496

01/15/2004

Chae-Whan Lim

46219

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7590

10/06/2009

ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.

1300 19TH STREET, N.W.

SUITE 600

WASHINGTON,, DC 20036

EXAMINER

HOLDER, ANNER N

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

10/06/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<p><b>Application No.</b> 10/757,496</p>	<p><b>Applicant(s)</b> LIM ET AL.</p>	
	<p><b>Examiner</b> ANNER HOLDER</p>	<p><b>Art Unit</b> 2621</p>	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 17 August 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: \_\_\_\_\_.
- Claim(s) objected to: \_\_\_\_\_.
- Claim(s) rejected: 1 and 3-12.
- Claim(s) withdrawn from consideration: 2.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_
13. ☐ Other: \_\_\_\_\_.

/Tung Vo/  
Primary Examiner, Art Unit 2621

Continuation of 11. does NOT place the application in condition for allowance because: The The 35 U.S.C. § 101 has been withdrawn based on the amendments made to claim 1. Applicant's arguments filed 08/17/09 have been fully considered but they are not persuasive. As to the Applicant's argument the Examiner respectfully disagrees. The 35 U.S.C. § 101 rejection is being maintained due to the failure to tie the steps of "confirming", "determining", "transmittinAs understood by the Examiner a server is a device that performs an operation. Applicant defines moving picture mail as combined image and audio signals. [ 0032] The cited prior teaches the transmission of combined audio and video data performed by a device which reads upon the claimed limitation. The device disclosed in Yamaguchi teaches the transcoding of data. [col. 6 lines 22-26; col. 7 lines 30-45] The combination of Yamaguchi and Fukuhara teach the limitations as claimed. The references disclose a JPEG [Yamaguchi - fig. 2 (24)] and wavelet [Fukuhara - col. 12 lines 9-13] functions as claimed in the limitation. Lee discloses a rate controller [fig. 1 (130)] which receives information regarding the buffer level and adjusts the rate based on the information. [fig. 1] It would have been obvious to one of ordinary skill in the art at the time the invention was made that the features of Lee maybe applied to any number of terminals. Jabri provision clearly discloses transcoding and the processing (transmission and reception) of audio/video data (media or as termed by the Applicant mail) which may be stored. [fig. 3; pg 9] Yamaguchi teaches selecting a first codec corresponding to the support codec of the first mobile terminal and a second codec corresponding to the support codec of the second mobile terminal; [abstract; figs. 1(6); figs. 2-3; col. 5 lines 34-67; col. 6 line 58 - col. 7 line 5] decoding the moving picture mail received from the first mobile terminal by means of the selected first codec; [abstract; figs. 1(6); figs. 2-3; col. 5 lines 34-67; col. 6 line 58 - col. 7 line 5] and coding the decoded moving picture mail by means of the selected second codec. [abstract; figs. 1(6); figs. 2-3; col. 5 lines 34-67; col. 6 line 58 - col. 7 line 5] The cited prior art references teach the limitations as claimed.